

Hartley, Jordan, Jowers, Kinsey, Moore of Davis, Selman, Weatherford, and White—12.

A bill for relief of Robert Robson. Read 2nd time and ordered to be engrossed. Rule suspended. Read 3rd time and passed.

A bill for relief of Robert Pulsford. Read 1st time. Rule suspended. Read 2nd time and passed to 3rd reading. Rule suspended. Read 3rd time and passed.

The Senate then adjourned until 8 o'clock A.M. tomorrow.

Wednesday, May 25, 1864

8 o'clock A.M.

Senate met. Prayer by the Chaplain, roll called, quorum present. The Journal of yesterday was read and adopted.

Mr. Harcourt, Chairman of the Judiciary Committee, made the following reports.

May 25, 1864

The Judiciary Committee has duly considered a House bill to be entitled an act to amend the 1st section of an act regulating juries, approved May 4, 1846. The object of the amendment is to subject persons over the age of sixty years and physicians and surgeons to jury service.

The bill also contains a *Proviso* which in effect defeats the object intended to be accomplished by requiring the jury list to be passed by selecting jurors of good moral character.

The committee think each one of the proposed changes to be unnecessary and inexpedient, and direct me to report the bill back to the Senate and recommend its rejection.

John T. Harcourt, Chairman

The Judiciary Committee has considered the joint resolutions of the act of Congress suspending the privilege of the writ of habeas corpus.

The Committee differ in opinion as to the correctness of such expressions, and some principles enunciated in the resolutions, but agree unanimously in condemning the action of Congress in the regulations they adopted for the execution of the law.

I am directed by a majority of the Committee to recommend the adoption of the resolutions.

John T. Harcourt, Chairman

The following bills were reported correctly engrossed:

A bill to amend the stay law.

A bill to repeal 1st section of an act to suspend the location and survey of the public domain except in certain cases.

A joint resolution in relation to the sale of cards.

A bill to provide for the support of the Lunatic, Deaf and Dumb, and the Blind Asylums. Read 2nd time. Mr. Hartley moved to amend by striking out "45," and inserting "65,000" as the supply of the Lunatic Asylum. Bill laid on table for the present.

Mr. Ford from Judiciary Committee reported a bill to authorize the County Clerk of Caldwell County to levy and collect an ad valorem specie tax for support of soldiers' families. Read 1st time.

Mr. Ford introduced a bill to incorporate the San Marcos Manufacturing Company. Read 1st and 2nd times and referred to Committee on State Affairs.

A bill prohibiting slaves from exercising ownership over property. Read 2nd time with report of recommending its indefinite postponement. Mr. Guinn moved to lay the report on the table. The yeas and nays were as follows:

Yeas—Messrs. Beasley, Burney, Guinn, Hord, Moore of Davis, Moore of Bastrop, Montague, Parsons, Selman, Throckmorton, Weatherford, Wootten, and White—13.

Nays—Messrs. Charlton, Davis, Dickson, Ford, Harcourt, Hartley, Haskell, Jowers, Kinsey, and Peck—10.

A motion to lay the bill on the table was then put and lost.

Mr. White offered to amend by adding section as follows: "That any free person who shall trade with slaves in any kind of stock cattle shall be guilty of a misdemeanor and on conviction thereof, shall be fined for the first offense not less than 25 nor more than 200 dollars and on a second conviction shall be confined in the Penitentiary not less than one year." Mr. Hord offered a substitute for the proposed amendment. "That the owner offending under the 1st section of this act may be indicted and tried in the District Court and upon conviction shall be fined in any sum not exceeding the value of the horses, cattle, sheep, or goats or hogs over which such Negro may exercise a pretended right of ownership or on which such Negro shall have a brand or

earmark." Adopted. It was then adopted as a substitute for the 2nd section of the bill.

Mr. Ford moved to amend by inserting the words "knowingly" before "permit." Carried. Bill passed to 3rd reading. Rule suspended. Read 3rd time and caption amended accordingly so as to read, "to prevent the owners of slaves from allowing slaves to exercise ownership over property." The bill was passed.

A message was read from the House announcing the passage of the following bills:

A bill to incorporate the Star State Machine and Manufacturing Company.

A bill supplemental to an amendment of an act to establish a Penal Code.

The House adopted a Conference Committee report on a bill to provide for regulating the state finances.

Mr. Lea, Chairman of the Conference Committee, made the following report:⁸

Whereupon the report was adopted.

The Committee on Enrolled Bills made the following report:

Honorable F. S. Stockdale, President of the Senate:

The Committee on Enrolled Bills has examined and find correctly enrolled the following bills; viz,

An act to suspend the levy and collection of a special tax by the County Court of Comal County until one year after the close of the war between the Confederate States and the United States.

An act to incorporate the Beaver Iron Manufacturing Company.

An act to incorporate the Henderson Masonic Female Institute.

An act to authorize and require the County Courts of Hunt and Tarrant Counties to examine and if necessary to correct the assessment rolls of said counties for the year 1864 so as to conform to the several laws of this state in relation to the assessment and collection of ad valorem taxes. All of which being signed by the Speaker of the House of Representatives and this day presented to His Excellency the Governor for his approval.

D. C. Dickson, Chairman

⁸Ibid.

Mr. Harcourt, Chairman of the Judiciary Committee, made the following report:

May 25, 1864

The Judiciary Committee has duly considered a House bill to be entitled an act to provide for the probate of wills in certain cases.

The amendment provides for taking depositions of witnesses to probate a will, by taking interrogatives in the office of the County Clerk, and giving notice to all parties concerned by a written notice on the courthouse door, and in two other public places. The Committee are not inclined to adopt this innovation upon the present practice, believing it not to be well guarded against frauds being practiced upon the courts and upon the rights of parties interested in the state.

I am instructed by the Committee to return the bill to the Senate and recommend its rejection.

John T. Harcourt, Chairman

Mr. Ford offered the following: *Resolved*, That the Committee on Finance be directed to inquire into the propriety of passing an act making all bail bonds and recognizances payable in specie or State Treasury Warrants above and report by bill or otherwise. Adopted.

A joint resolution relative to sale of ordinance stores. Read 2nd time and lost on engrossment.

A bill to amend the estray law. Read 3rd time. The yeas and nays on the passage of the bill stood:

Yeas—Messrs. Beasley, Davis, Durant, Harcourt, Hartley, Hord, Kinsey, Lea, Magoffin, Moore of Bastrop, Peck, Quayle, Throckmorton, and White—14.

Nays—Messrs. Burney, Charlton, Dickson, Ford, Guinn, Jordan, Jowers, Knox, Moore of Davis, Montague, Parsons, Weatherford, and Wootten—13.

A joint resolution relative to the disposition of cards. Read 3rd time. Mr. Ford moved to strike out "all relating to the members of the Legislature." Lost. The resolution then passed.

Mr. Dickson introduced a bill making an appropriation to pay for the stationery, lighting, materials, etc., for the 10th Legislature Extra Session. Read 1st time and referred

to Committee on Contingent Expenses, with instruction to report this P.M.

A bill to repeal 1st section of act to suspend the location and survey of the public land was read 3rd time. The yeas and nays upon its final passage stood thus:

Yeas—Messrs. Burney, Cooley, Dickson, Ford, Guinn, Haskell, Hord, Knox, Lea, Magoffin, Moore of Bastrop, Parsons, Peck, Quayle, Throckmorton, and Wootten—16.

Nays—Messrs. Beasley, Charlton, Davis, Durant, Hartcourt, Hartley, Jordan, Jowers, Kinsey, Moore of Davis, Montague, Weatherford, and White—13.

A bill to amend the estray laws. Read 3rd time. Mr. Quayle moved to add "Erath and Palo Pinto" counties. Adopted. The bill was then lost on its passage.

A bill supplemental and amendatory of an act to establish a penal code. Read 1st time and referred to Judiciary Committee.

Mr. Hord, Chairman of the Committee on State Affairs, reported recommending the passage of the following bills:

Joint resolution relative to conscription.

The following amendment to bill to incorporate the Falls of Brazos Manufacturing Company: In last line of Section 8, strike out "five."

Amendments to bill to incorporate the Trinity Mills Manufacturing Company: Add to section, "and in all suits and legal process against this corporation it shall be sufficient to make service and in other cases upon the president or to leave a copy of the citation and petition at the usual place of the corporation for doing business." In last line of Section 6, strike out the word "five." The bill was taken up. Read 2nd time and amendments adopted.

Mr. Hartley moved to amend by striking out "real and personal property" and inserting "personal property and such real property as may be necessary for the use of the company in the erection of buildings and carrying on the business of the company as herein set for theth." Lost.

The yeas and nays upon its adoption stood:

Yeas—Messrs. Burney, Charlton, Cooley, Dickson, Ford, Guinn, Hartley, Hord, Jowers, Kinsey, Lea, Magoffin, Moore of Bastrop, Parsons, Peck, Quayle, Selman, Throckmorton, and Wootten—19.

Nays—Messrs. Beasley, Durant, Jordan, Moore of Davis, and Weatherford—5.

Mr. Jordan moved to amend by adding "and such lands as said company may receive from the State under provisions of an act to encourage the erection of certain machinery by donation of land and otherwise approved December 15, 1863." Adopted.

Mr. Quayle moved to amend, "provided that the stockholders in the company shall be severally liable for the debts of the corporation whenever the property of the Corporation shall be insufficient to satisfy said debts." The yeas and nays were called on a motion to lay the amendment on table and stood:

Yeas—Messrs. Beasley, Charlton, Dickson, Ford, Guinn, Hartley, Haskell, Jordan, Jowers, Lea, Moore of Davis, Moore of Bastrop, Throckmorton, Weatherford, and Wootten—15.

Nays—Messrs. Burney, Cooley, Durant, Hord, Kinsey, Knox, Magoffin, Parsons, Peck, Quayle, and Selman—11.

The bill was then passed to 3rd reading. Rule suspended. Read 3rd time and passed by Constitutional majority, Messrs. Cooley, Durant, Harcourt, Knox, Magoffin, Peck, and Quayle voting nay.

Mr. Quayle moved to reconsider a vote which refused to pass a bill relative to the estray laws.

Mr. Lea, Chairman of Committee on Conference, made the following report:

To the Honorable F. S. Stockdale, President of the Senate, and the Honorable M. D. K. Taylor, Speaker of the House of Representatives:

The Committee of Free Conference, to which was referred a House bill to be entitled an act to provide for the liquidation of claims against the State when there is a deficiency of funds in the Treasury, and the Senate's substitute therefor being a bill to be entitled an act to regulate the manner of liquidating claims for payment under appropriations made by the Legislature, with the rejection of the substitute by the House, and the Senate's adherence, has considered the subject, and a majority now report as follows:

The Committee recommends the following substitute for the third section of the Senate's substitute for the original bill; viz,

Section 3. In the same manner, and to the same intent,

that treasury warrants, in general, may be receivable for public dues, under laws now or hereafter providing therefor, the Treasury Warrants to be issued under the first section of this act shall be receivable for all public dues, except those payable in specie by special provisions of law; and, in addition, that warrants may be funded in bonds of the State, bearing interest at the rate of six per cent per annum, to be paid semiannually, the interest and principal of the bonds being payable in species; provided that the tax, to be levied for payment of current interest and for a sinking fund to pay principal of the bonds, shall not be adopted until after one year from the ratification of a treaty of peace between the Confederate States of America and the United States of America; but, in the mean time, by other means, the Legislature will provide for obtaining the necessary specie to meet the demands of the bonds.

And the Committee further recommends that the Senate's substitute they amended be adopted in lieu of the House bill, and that the bill so amended be passed.

Respectfully submitted,

Pryor Lea, Chairman
on part of the Senate

W. R. Poag, Chairman
on part of the House
of Representatives

The bill (revenue) was made special order for $\frac{1}{2}$ after 3 o'clock P.M. The Senate then adjourned until $3\frac{1}{2}$ o'clock P.M.

$3\frac{1}{2}$ o'clock P.M.

Senate met, roll called, quorum present.

Mr. Moore of Davis was excused from attendance on the Senate after this evening. The report of Committee of Conference on a bill to supply a deficiency in the State Treasury was adopted.

A bill to prohibit the sale of ardent spirits within five miles of Waxahachie. Read 1st time.

Mr. Dickson offered the following: *Resolved*, That the Secretary of the Senate employ such clerical assistance as he may need to keep up the business of the Senate during the remainder of the session. Adopted. The Committee on Contingent Expenses reported an amendment to a bill mak-

ing an appropriation for stationery, etc. [They moved:] Strike out "Military Board" and insert "Governor." The report was on motion taken up. Mr. Dickson offered the following: "Provided that this appropriation may be paid out of any money subject to the control of the Governor or Military Board for any other purpose." Adopted.

Mr. Lea then moved to amend the amendment of the Committee by striking out of the bill the words "out of any fund in the hands of the Governor." Carried. The bill was then ordered to be engrossed. Rule suspended. Read 3rd time and passed.

Mr. Beasley introduced the following:

Resolution

Be it resolved by the Senate of the State of Texas:

1st. That we but yield to the general voice of the people when we express the heavy bereavement of our State in the loss of our gallant trio of Generals, Green, Scurry, and Randal, who fell battling for freedom on their recent bloody fields of Louisiana and Arkansas;

2nd. That as the "blood of the martyrs *was* the seed of the Church" so the blood of these patriots will be the ever-living principle of our young but beloved Confederacy of States;

3rd. That as an expression of our respect for the memories of these heroes, this body will now adjourn until 8 o'clock tomorrow morning;

4th. That a copy of these resolutions be furnished to the families of the deceased.

Yeas—Messrs. Cooley, Ford, Guinn, Harcourt, Hartley, Jowers, Knox, Lea, Magoffin, Moore of Bastrop, Montague, Peck, Throckmorton, and White—14.

Nays—Messrs. Beasley, Davis, Dickson, Haskell, Kinsey, Parsons, Quayle, and Weatherford—8.

The bill was then passed to 3rd reading. Rule suspended. Read 3rd time and passed.

Joint resolution relative to the reception of remains of Brigadier General William R. Scurry. Read 1st time. Rule suspended. Read 2nd time and passed to 3rd reading. Rule suspended. Read 3rd time and passed.

A bill to incorporate the Fort Bend Trading Company. Read 1st time.

A bill to incorporate the Comal County Mutual Aid Association. Read 1st time.

The Senate then adjourned until 8 o'clock P.M.

8 o'clock P.M.

Senate met, roll called, quorum present.

Messrs. Throckmorton, Dickson, White, and Charlton were appointed committee to make arrangements for the reception of the remains of Brigadier General William R. Scurry. The President of the Senate was unanimously requested to act as chairman of the Committee.

The Committee on Enrolled Bills reported as follows:
Honorable F. S. Stockdale, President of the Senate:

The Committee on Enrolled Bills has examined and find correctly enrolled the following bills, viz., an act making an appropriation for the mileage and per diem pay of the members and the per diem pay of the officers of the Extra Session of the 10th Legislature.

An act to regulate the manner of liquidating claims for payment under appropriations made by the Legislature.

An act for relief of indigent families of Calhoun, Refugio, San Patricio, and Nueces counties.

Joint Resolutions

An act supplementary to an act entitled an act to regulate proceedings in the county courts pertaining to estates of deceased persons, approved 20th March, 1848.

An act to incorporate the Falls of Brazos Manufacturing Company.

An act to transfer the State Troops to the Confederate States service and to repeal an act entitled an act to provide for the defense of the state, approved December 16th, 1863.

Joint resolution concerning the publication of the State and Confederate States Constitutions.

Joint resolution of thanks to Messrs. Ball and Hutchings.

An act to incorporate the San Marcos Cotton and Woolen Manufacturing Company.

An act to authorize the Governor to appoint certain officers to represent the interest of the state and of the citizens and soldiers of the state at the headquarters of the Trans-Mississippi Department and at the Headquarters of the District of Texas, New Mexico, and Arizona.

Joint resolutions in relation to the Tonkawa Indians.

An act making an appropriation to pay for stationery and lighting material purchased for the 10th Legislature.

An act to punish unlawful interference with private property or private rights.

An act to amend the 3rd section of an act to provide for the support of the families and dependents of Texas soldiers approved December 15, 1863.

An act to incorporate the Comal Springs Manufacturing Company.

Joint resolutions regarding to return of the 1st, 4th, and 5th Texas Regiments.

An act to authorize the County Court of Caldwell County to levy and collect an ad valorem tax in specie to support the families and other dependents of soldiers.

An act for the relief of Lieutenant W. H. Cochran, A.A.C.S. of the Mounted Regiment, Texas State Troops.

An act making an appropriation to make any deficiency that may accrue in the appropriation to pay the expenses of the Comptrollers Department for the years 1864 and 1865.

An act supplemental and amendatory of an act to adopt and establish a Penal Code.

An act amending an act authorizing the Comptroller of the State to receive from railroad companies in this state the interest that may now be due or hereafter become due on their bonds.

An act supplementary to an act to provide for the protection of the frontier.

An act to incorporate the Texas Copper Manufacturing Company.

An act to incorporate the Independence Manufacturing Company.

All of which being signed by the presiding officers of the two houses, was this day presented to the Governor for his approval.

D. C. Dickson

Mr. Selman introduced a bill to provide for the funding of State Treasury Warrants and for the final redemption of the bonds in which they are invested. Read 1st time. Rule suspended. Read 2nd time, and indefinitely postponed.

A bill authorizing the issuance of rations to the em-

ployees of the cap factory. Rule suspended. Read 3rd time and passed.

Mr. Lea, Chairman of the Committee on Finance, made the following report:

To the Honorable F. S. Stockdale, President of the Senate:

The Committee on Finance, to which was referred a House bill to be entitled an act to further provide for the payment of interest accruing from time to time on the public debt of the state, has considered the subject, and now reports the bill, with a recommendation that it be passed as a measure of proper precaution against the failure of another bill, providing in another way for accomplishing the same object.

Pryor Lea, Chairman

On motion report taken up. Bill read 2nd time and passed to 3rd reading. Read 3rd time and passed.

Mr. Wootten offered the following: *Resolved*, That the thanks of the Senate are hereby tendered to Lieutenant Governor F. S. Stockdale for the distinguished ability and impartiality with which he has presided over its deliberations during the session of the Legislature now drawing to a close." Adopted.

The following message from the Governor was read:⁹

The Senate then took up a substitute for their bill on this subject. Adopted by and reported from the House of Representatives. Read and passed to 3rd reading. Rule suspended. Read 3rd time and passed.

Mr. Dickson offered the following: *Resolved*, That the Secretary of the Senate be required to copy the Journals of this session and the sum of three hundred dollars out of the unexpended balance of the appropriation for the pay of the per diem and mileage of the members and the pay of the officers be paid for the same. Adopted.

Messrs. Ford and Hord were appointed a committee under resolution authorizing an investigation of acts of Military Board. Messrs. Baker and Gibbons by the House. A committee from House invited a like committee to wait on the Governor and inform him that the Legislature is about to adjourn sine die. Messrs. Harcourt and Guinn were appointed a committee.

Mr. Jowers offered the following: *Resolved*, That the

⁹Ibid.

thanks of the Senate be and they are hereby tendered to the officers of the Senate for the able and faithful manner with which they have discharged their duties. Adopted.

Thursday, May 26, 1864

8 o'clock A.M.

Senate met. Prayer by the Chaplain, roll called, quorum present. The Journal of yesterday was read and adopted.

The Committee on Enrolled Bills reported as follows:
Honorable F. S. Stockdale, President of the Senate:

The Committee on Enrolled Bills has examined and find correctly enrolled the following bills, viz.,

Joint resolution in reference to sick and wounded soldiers in Arkansas and Louisiana.

An act for the relief of Robert Pulsford.

An act to incorporate the Dallas Manufacturing Company. The same being signed by the Speaker of the House of Representatives and President of the Senate were this day presented to the Governor for his approval.

D. C. Dickson, Chairman

The Committee on Military Affairs through Mr. Jowers reported a substitute for a joint resolution requesting the return of the 1st, 4th, and 5th Texas Regiments. The resolutions were taken up. Read 2nd time. Substitute of Committee adopted. Resolution passed to 3rd reading. Rule suspended. Read 3rd time and passed.

Mr. Lea, Chairman of Finance Committee, made the following report:¹⁰

A message from House announced the passage of the following bills:

A bill to permit unlawful interference with private property or private rights.

A bill to incorporate the West Texas Manufacturing Company.

Senate joint resolution on impressment.

Senate bill to define and punish unlawful interference with the exportation and transportation of cotton with amendments which were concurred in.

A bill supplementary to an act to regulate proceedings in County Court pertaining to estates of deceased persons.

A bill to authorize the military board to purchase drugs

¹⁰Ibid.